REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claim 72 has been objected to as being informal, because it recites specific amino acids of SEQ ID NO: 4 which is not recited in claim 70, the claim which claim 72 is dependent upon. With respect to the objected to claim, claim 72 has been rewritten in independent form, so it is no longer dependent upon claim 70. Thus, it is believed that this change overcomes the objection to claim 72.

Additionally, claims 75-76 have been objected to as being informal, because the claims refer to a non-elected claim 66. With respect to claims 75-76, the amendment submitted by Applicants on March 17, 2004, changed the objected to claims to refer to elected claim 67 in place of non-elected claim 66. Thus, it is believed that this objection should be withdrawn.

Claim 71 has been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. With respect to the rejection, claim 71 has been amended to incorporate certain hybridization conditions contemplated by the specification as suggested by the Examiner. Thus, it is believed that this change overcomes the rejection to claim 71.

Further, claims 67-80 have been rejected under 35 USC 103(a) as being unpatentable over Lin *et. al.* in further view of Cambell, A.M. With respect to this rejection, the instant application claims a priority date of May 1, 1998. Lin *et. al.* was published less than one year prior to the priority date, May 2, 1997. Attached hereto is a declaration in accordance with *In re* Katz, 215 USPQ 14 (CCPA 1982) establishing that Nasreen Aboul-Ela was not and is not a coinventor. All other authors of Lin et. al. are coinventors. Thus, according to *In re* Katz, the rejection cannot be maintained as a matter of law.

It is understood that the attached declaration has been used before in a related patent case, Application Serial No. 09/511,477, now U.S. Patent No. 6,337,202. It is submitted, however, that Nasreen Aboul-Ela did not contribute to the inventive concept, but only followed instructions and performed experiments. Nasreen Aboul-Ela was not an inventor in 1997, nor in 2000, nor is she an inventor now. This fact has not changed. Thus, use of the same declaration that was used in October of 2000 is proper.

Furthermore, Nasreen Aboul-Ela is not the inventor of the protein. Thus, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to use the encoded PARG for the purposes of generating antibodies that specifically bind to the claimed peptides, because the protein was not described "by others" in a printed publication before the application thereof by the Applicants.

Moreover, the Examiner cited *Ex parte* Erlich in his rejected of claims 67-80 under 35 USC 103(a). We believe that the instant application is distinguishable from the factual situation in *Ex parte* Erlich. The Board in *Ex parte* Erlich held that "it would have been obvious to one of ordinary skill in the art at the time the present invention was made...to form monoclonal antibodies specific for human fibroblast interferon since human fibroblast interferon was a *known* antigen." *Ex parte* Erlich, 3 USPQ 2d 1011, 1014 (PTO Bd. Pat. APP. & Int. 1987) (emphasis added). Here, unlike in *Ex parte* Erlich, the protein was not known and was patentable in a previous related application. Thus, it is our position that *Ex parte* Erlich can not be used as authority to show obviousness of the instant claims, and the rejection should be withdrawn.

It is, therefore, believed that these claims and their dependent claims are allowable.

In view of the foregoing, withdrawal of all rejections and allowance of this application are respectfully requested.

Respectfully submitted,

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Enclosure